

This Statutory Instrument has been made in part in consequence of defects in S.I. 2016/238 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

2022 No. 354

EDUCATION, ENGLAND

The Further Education Loans (Amendment) Regulations 2022

<i>Made</i>	- - - -	<i>22nd March 2022</i>
<i>Laid before Parliament</i>		<i>24th March 2022</i>
<i>Coming into force</i>	- -	<i>1st May 2022</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 22(1) and (2) and 42(6) of the Teaching and Higher Education Act 1998(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Further Education Loans (Amendment) Regulations 2022 and come into force on 1st May 2022.

(2) These Regulations extend to England and Wales.

Amendment of the Further Education Loans Regulations 2012

2. The Further Education Loans Regulations 2012(b) are amended as follows.

Amendment of regulation 2

3. In regulation 2(1)(c), in the definition of “fees” for “section 41(1) of the Higher Education Act 2004”, substitute “section 85(2) of the Higher Education and Research Act 2017(d)”.

Amendment of regulation 9

4. In regulation 9(e), omit the words from “unless” to the end.

(a) 1998 c. 30. Section 22 was amended by section 146(2) of, and paragraph 1 of Schedule 11 to, the Learning and Skills Act 2000 (c. 21); paragraph 236 of Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c. 1); section 147(3) of the Finance Act 2003 (c. 14); sections 42(1) and 43(2) and (3) of, and Schedule 7 to, the Higher Education Act 2004 (c. 8); section 257(2) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); section 76(1) and (2)(a) of the Education Act 2011 (c. 21); section 88(2) to (5) of the Higher Education and Research Act 2017 (c. 29); and S.I. 2013/1881. Section 22 is also amended by section 86(2) to (7) of the Higher Education and Research Act 2017 but those amendments are not yet in force. Section 43(1) defines “prescribed” and “regulations”.

(b) S.I. 2012/1818.

(c) Regulation 2 was amended by S.I. 2021/127; there are other amendments to regulation 2 but none is relevant.

(d) 2017 c. 29.

(e) Regulation 9 was amended by S.I. 2014/1766.

Substitution of regulation 15

5. For regulation 15(a) substitute—

“Standard entitlement of eligible students

15.—(1) The standard entitlement of an eligible student for all designated further education courses is determined in accordance with this regulation.

(2) The standard entitlement is a maximum of four fee loans, where the eligible student does not take out a fee loan for a programme of A Level study.

(3) Where an eligible student takes out a fee loan for a programme of A Level study, the standard entitlement is—

- (a) a maximum of eight fee loans for the programme of A Level study, and
- (b) a maximum of three fee loans for other designated further education courses.

(4) An eligible student undertaking a programme of A Level study may use fee loans from their standard entitlement to fund—

- (a) a maximum of four AS Level courses;
- (b) a maximum of four A Level courses;
- (c) AS and A Level courses in a maximum of four subjects.

(5) An eligible student may only use one fee loan from their standard entitlement to fund an Access to HE Diploma.

(6) An eligible student taking more than one designated further education course at any one time may qualify for a fee loan for each course.

(7) Where an eligible student has qualified for a fee loan in connection with a designated further education course and has received public funds for the fees for that course equal to the full amount of the fee loan, the fee loan does not count towards the standard entitlement if—

- (a) the Secretary of State has withheld payment of all of the fee loan under regulation 22(5)(b), or
- (b) the fee loan has been repaid in full under regulation 24(c).

(8) A fee loan taken out by an eligible student which is cancelled in full under regulation 25(d) does not count towards the standard entitlement.

(9) In addition to the standard entitlement, if the Secretary of State determines that the eligible student is—

- (a) repeating a designated further education course because of compelling personal reasons, or
- (b) transferring to an alternative institution because the institution at which that student began a designated further education course has ceased to be publicly funded,

the eligible student may qualify for further fee loans in respect of any period or periods of study arising as a result.

(10) In this regulation, a “programme of A level study” means the study of one or more AS Level or A Level courses.”.

(a) Regulation 15 was substituted by S.I. 2016/238.

(b) Regulation 22(5) was inserted by S.I. 2016/238.

(c) Regulation 24 was amended by S.I. 2022/57.

(d) Regulation 25 was inserted by S.I. 2019/983.

Amendment of regulation 18

6. In regulation 18—

- (a) in paragraph (1), omit “or 9”;
- (b) in paragraph (3), for the words from “these Regulations” to the end substitute “regulation 8 and the circumstances in paragraph (4) apply, the Secretary of State must reduce the amount of the fee loan to which the student is entitled in respect of the course to which the eligible student has transferred”.

22nd March 2022

Michelle Donelan
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Further Education Loans Regulations 2012 (S.I. 2012/1818) (“the 2012 Regulations”).

The Regulations—

- update the definition of “fees” in regulation 2 of the 2012 Regulations,
- amend regulation 9 of the 2012 Regulations to provide for students who transfer to a course at a different institution to apply for a new loan in relation to the course at the new institution in all cases, and make related amendments to regulation 18 of the 2012 Regulations, and
- substitute a new regulation 15 of the 2012 Regulations to clarify the standard loan entitlement where a programme of A Level study is followed, where loans are withheld, repaid, or cancelled in specified circumstances, and where a student transfers to a new institution because the institution at which the student began a course has ceased to be publicly funded.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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